

Message Text

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ORIGIN L-02

INFO OCT-01 IO-10 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00

CIAE-00 DODE-00 PM-03 H-02 INR-07 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 OES-03 ACDA-05 AF-06 ARA-06

EA-06 EUR-12 NEA-09 AID-05 CEQ-01 OFA-01 COME-00

EB-07 EPA-01 NSF-01 FEA-01 /113 R

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TO USMISSION GENEVA IMMEDIATE

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TAGS: ICRC, PARM, PFOR

SUBJECT: LAWS OF WAR CONF -- ENVIRONMENTAL PROTECTION

REFS: A. GENEVA 2386; B. STATE 080149

1. WE APPRECIATE USDEL'S CONTINUING EFFORTS TO PRODUCE
ACCEPTABLE FORMULATIONS FOR ARTS 33(3) AND 48 BIS CONCERN-
ING DAMAGE TO THE NATURAL ENVIRONMENT, AND TO NARROW THE
SCOPE OF PROPOSALS BY OTHER DELS.

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2. HOWEVER, WE ARE NOT YET PREPARED TO AUTHORIZE DEL TO

INDICATE U.S. ACCEPTANCE OF FORMULATIONS CONTAINED IN REF A, EVEN IF MODIFIED AS YOU PROPOSE. THESE FORMULATIONS SEEM TO BE BASED ON LANGUAGE TAKEN FROM U.S.-SOVIET DISCUSSIONS ON ENVIRONMENTAL MODIFICATION, AND IT IS NOT IMMEDIATELY CLEAR TO US WHAT EFFECT THIS LANGUAGE WOULD HAVE IN THE CONTEXT OF INCIDENTAL ENVIRONMENTAL DAMAGE CAUSED BY CONVENTIONAL MILITARY ACTIVITIES. IN OUR VIEW THIS REQUIRES FURTHER CLARIFICATION BEFORE WE WOULD BE ABLE TO TAKE POSITION ON MERITS OF PROPOSALS. FOR EXAMPLE, WE ARE NOT CERTAIN AS TO WHETHER NEW PROVISIONS WOULD AFFECT COMBAT ACTIVITY WHICH PRODUCES SEVERE INCIDENTAL DESTRUCTION TO FORESTED AREAS OR ANIMAL POPULATIONS WHICH MAY NOT BE RESTORED FOR MANY YEARS.

3. IN ADDITION, WE HAVE NOT HAD OPPORTUNITY TO ASSESS WHAT EFFECT ADOPTION OF THIS FORMULA MIGHT HAVE ON CCD CONSIDERATION OF ENVIRONMENTAL WARFARE QUESTION, AND TO WHAT EXTENT

THE NEW LOW FORMULATIONS MIGHT OVERLAP WITH VARIOUS CCD PROPOSALS ON ENVIRONMENTAL WARFARE. FYI: U.S. HAS NOT YET MADE FORMAL PROPOSALS FOR POSSIBLE CCD AGREEMENT, AND YOU SHOULD BE GUIDED BY REF B IN RESPONDING TO ANY INQUIRIES. END FYI.

4. THEREFORE, YOU SHOULD, IF POSSIBLE, ATTEMPT TO POSTPONE VOTE ON NEW FORMULATIONS UNTIL 3RD SESSION OF CONFERENCE. IF THIS IS NOT POSSIBLE, YOU SHOULD AVOID INDICATING U.S. ACCEPTANCE OF THESE FORMULATIONS AND, IN THE EVENT OF A VOTE, ABSTAIN. IN EXPLANATION OF THIS POSITION, YOU MAY POINT OUT RELATIONSHIP BETWEEN THIS LOW ISSUE AND CCD ENMOD EXERCISE, AND CONSEQUENT DESIRABILITY OF AWAITING RESULTS OF CCD CONSIDERATION THIS SUMMER BEFORE PROCEEDING FURTHER; YOU MAY ALSO POINT OUT THAT GOVTS MAY NOT HAVE HAD ADEQUATE TIME TO ASSESS IMPLICATIONS OF NEW LANGUAGE, GIVEN FACT THAT THESE NEW LOW FORMULATIONS WERE ADVANCED AT LATE STAGE OF COMMITTEE'S WORK.

5. WE WOULD APPRECIATE ANY FURTHER INFORMATION DEL MAY HAVE ON COMMITTEE UNDERSTANDING AS TO INTENDED SCOPE OF THESE NEW FORMULATIONS, WHAT COMBAT ACTIVITIES WERE LIMITED OFFICIAL USE

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INTENDED TO BE PROHIBITED, AND HOW COMMITTEE VIEWS RELATIONSHIP BETWEEN THESE PROVISIONS AND CCD EXERCISE. KISSINGER

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